

SOLURI MESERVE

A Law Corporation

1822 21st Street, Suite 202
Sacramento, California 95811

916.455.7300 (telephone)

916.244.7300 (facsimile)

www.semlawyers.com

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SENT VIA EMAIL (interimplan@deltacouncil.ca.gov)

Ms. Terry Macaulay
Deputy Executive Officer, Strategic Planning
Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on July 14, 2010 Second Draft Interim Delta Stewardship Plan

Dear Ms. Macaulay:

This firm represents Reclamation District 999 ("District"), which includes the Clarksburg Agricultural District within the Northern Delta. The District includes a complex network of channels that provide drainage in the winter and water for agriculture in the dry months as well as a perimeter of levees to prevent flooding from the Sacramento River, the Deep Water Ship channel, and the Delta.

Communities within the District include the town of Clarksburg, unincorporated portions of south-eastern Yolo County and Solano County, as well as residents of marinas and moorings on the Sacramento River. Our District has been an active steward of the Delta's biological resources for almost 100 years, and depends on adequate flows of good quality water to serve farmland in the Clarksburg area.

As a stakeholder in the various proceedings that will affect land and water management within the Delta, the District offers the following comments on the Delta Stewardship Council's ("Council") Second Draft Interim Delta Stewardship Plan ("2nd Draft ISP").

Comments:

1. The clarity, flow, and technical elements of the Draft Plan are significantly improved over the First Draft Interim Stewardship Plan ("1st Draft ISP"). The redline version of the document was useful for assessing changes, and the District appreciates the Council's efforts in this regard. Please note that it is not clear from the documents

provided, however, whether the District's previous comments (dated May 12, 2010 and July 2, 2010), as well as other public comments, were fully incorporated into the 2nd Draft ISP.

2. For the Council's planning process to have legitimacy, and for the adopted Interim Plan must include the community's input. To accomplish this, the Council must actively engage stakeholders, inform interested parties, allow for considered comment, and be transparent. The District is committed to effective participation in this process with the Council. However, the District is concerned that the process for adoption of the ISP does not meet these minimum criteria.

The short time frame for responses on the 2nd Draft ISP – just two weeks – is inappropriate. With multiple processes affecting management of Delta resources at one time, the District and other local entities are straining to effectively participate in these processes so that local interests may be considered. A thirty-day review period is a minimum, especially since the authorizing legislation did not include a specific time frame for adoption of the ISP. To the extent that immediate action needs to be taken with respect to adoption of specific procedures (e.g. those governing appeals), that should be done on an as-needed basis, and then those provisions can be incorporated into the larger ISP later.

3. The 2nd Draft ISP inflates the amount of Delta water used for drinking water throughout the state. (2nd Draft ISP, pp. 1, 4, referring to "nearly two-thirds of the state's population" and "25 million California residents".) The ISP should use a substantiated figure for the amount of Delta water actually consumed as drinking water (as opposed to agricultural and industrial uses) in the state, rather than relying on imprecise generalizations.

4. The statement that "most Delta islands have flooded at least once" appears to be an incorrect generalization, and if it is correct, it requires a legitimate citation. (2nd Draft ISP, p. 8.) Moreover, if the condition of the levees is so perilous that major new water facilities are necessary, what is the constructive strategy to improve the levees? The communities and farms within the Delta, as well as the environmental projects being proposed by the Bay Delta Conservation Plan, also need levee protection. At the current pace of prioritization and funding, levee conditions will remain likely static in spite of the requirements of Water Code section 85020, subdivision (g).

Thus, the Early Implementation of Delta infrastructure, particularly levee improvements, is critical to the actual protection of the Delta. (2nd Draft ISP, pp. 29-32.) Though levee failure is described throughout the Plan as a threat, solutions are largely left undescribed.

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Additionally, improved bridges and roads are essential to the physical security of Delta residents and agriculture. Moreover, ecological improvements that can be supported by the community, and demonstration projects for habitat restoration that don't require setback levees, can also meet local needs and improve habitat conditions on the ground. Promotion of these types of infrastructure improvements should be discussed in the ISP.

5. One of the statutory goals of the Council is to improve water quality. (Wat. Code, § 85020, subd. (e).) Part of that task includes careful consideration of pollution flowing into the Delta via the Mud Slough and the San Joaquin River; prior to being used for irrigation, this polluted drainage water was originally exported from the Delta. This fall, the State Water Resources Control Board will consider Basin Plan amendments that would allow continued selenium discharges in excess of Basin Plan Water Quality Objectives. These amendments will make selenium requirements *less protective* for waters flowing into the Delta and will further exacerbate existing water quality concerns, especially in the South Delta. As part of its mandate to improve water quality, the Council should consider inclusion of provisions in the ISP to protect the Delta from such deterioration of water quality standards.

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Thank you for the opportunity to comment on the 2nd Draft ISP. Please feel free to contact me regarding any questions about the District's comments.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By:



Osha R. Meserve

ORM/mre

cc: Reclamation District 999 Board of Trustees